DOCUMENT RESUME

ED 066 819 EA 004 538

TITLE	Board Policies on Student Records. Educational Policies Development Kit.
INSTITUTION	National School Boards Association, Waterford, Conn. Educational Policies Service.
REPORT NO	Cat-No-72-47
PUB DATE	Jul 72
NOTE	31p.
AVAILABLE FROM	National School Boards Association, State National Bank Plaza, Evanston, Illinois 60201 (Kit #72-47, 1-3 kits $2.00, quantity discounts)
EDRS PRICE	MF-$0.65 HC Not Available from EDRS.
DESCRIPTORS	*Board of Education Policy; *Confidentiality; *Confidential Records; Guidelines; Parent School Relationship; School Policy; *Student Records; *Student School Relationship
IDENTIFIERS	Privacy

ABSTRACT

This report of policy samples is the 17th in a continuing series of kit-booklets issued to help school boards develop written policies in key subject areas. The intent in providing samples is to encourage thinking in policy terms; and to provide working papers to be edited, modified, or adapted to meet local requirements. Policy samples herein include information on (1) privacy of student records, (2) dissemination of student records, (3) student and parent access to records, and (4) classification of student records. (Author/JF)

ED 066819

BOARD POLICIES on STUDENT RECORDS

#72-47

EA 004 538

. . . a school board policy development kit
prepared by the Educational Policies Service
of the NATIONAL SCHOOL BOARDS ASSOCIATION

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
OFFICE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY

BOARD POLICIES ON STUDENT RECORDS

EPS cat. no. 72-47 July, 1972

This is the 17th in a continuing series of kit-booklets issued to help school boards develop written policies in key subject areas. All policy samples and other policy resources reproduced herein have been selected from the files of the Policy Information Clearinghouse of the National School Boards Association's Educational Policies Service (EPS/NSBA) and coded to the EPS/NSBA policy codification system.

The intent in providing policy samples is to encourage thinking in policy terms; to provide "something to start with"--working papers to be edited, modified, or adapted to meet local requirements. Administrators of EPS/NSBA member organizations should file this booklet for continuing reference in their master copy of the Educational Policies Reference Manual.

These materials are disseminated for information only and do not necessarily reflect official viewpoints of the National School Boards Association.

Additional kits may be ordered from the National School Boards Association, State National Bank Plaza, Evanston, Illinois 60201 at the following rates: 1-3 kits @ $2.00; 4-7 kits @ $1.80; 8-10 kits @ $1.60; 11 or more kits @ $1.50. Postage and handling charge added unless payment accompanies order--and payment should accompany all orders under $6.00 in value.

Write to the EPS/NSBA Clearinghouse (address below) for information about previously-published kits in this series.

EPS/NSBA POLICY INFORMATION CLEARINGHOUSE
152 Cross Road Waterford, Conn. 06385
Tel. 203-442-0233

Policies draw the line between the school's need for information and the student's need for privacy...

Editor's Note: Laura M. Pope, author of this issue's background discussion, is executive director of the Connecticut Association of Boards of Education. Atty. Pope has been engaged in assisting in the development of a model policy on student records for the Connecticut State Department of Education.

Computers do not forget, forgive, or filter the data taped for quick retrieval. As pressure to individualize education mounts, behavioral science and technology may convert progress into a "1984" nightmare of pupil records--purportedly to help the child. School boards and their professional staff have an obligation to protect individual privacy in the process of promoting educational progress. Under compulsory education laws, students are captive clients. They must be protected from invasions of privacy by the school system itself and by other agencies eager to gather personal data for purposes unrelated to public education.

Is there a right to privacy?

A right to privacy is increasingly recognized by the courts and frequently the basis for civil damage suits.[1] Privacy may be invaded by state agencies, however, for justified purposes such as overriding state or national interest. The difficulty of drawing the line between justified and unjustified invasion is amply illustrated by the wiretapping cases.

When a student's privacy is constitutionally protected is not clear. But some of the arguments made by dissenters in earlier Supreme Court cases may be precursors of accepted doctrine in the near future. For educators, the values expressed are as important as the law developed. Justice Brandeis considered wiretapping one of the "subtler and more far-reaching means of invading privacy." *Olmstead v. United States*, 277 U.S. 438, 371 (1928) (dissenting opinion). He warned that "advances in the psychic and related sciences may bring means of exploring unexpressed beliefs, thoughts, and emotions." *Id.* at 474. It was inconceivable to him that the Constitution "affords no protections against such invasions of individual security."

©Copyright 1972 National School Boards Association

"PERMISSION TO REPRODUCE THIS COPYRIGHTED MATERIAL BY MICROFICHE ONLY HAS BEEN GRANTED BY National School Boards Association TO ERIC AND ORGANIZATIONS OPERATING UNDER AGREEMENTS WITH THE U.S. OFFICE OF EDUCATION. FURTHER REPRODUCTION OUTSIDE THE ERIC SYSTEM REQUIRES PERMISSION OF THE COPYRIGHT OWNER."

In a more recent view, Justice Fortas asserted that "the right of privacy is the right to be let alone; to live one's life as one chooses, free from assault, intrusion, or invasion except as they can be justified by the clear needs of community living under a government of law. *Time, Inc. v. Hill*, 385 U.S. 374, 413 (1967) (dissenting opinion).

What is the task of the school board?

The school board must rely upon its professional staff to determine the school system's need for information about students and upon its legal counsel to identify laws and regulations which affect policy options open to the board. To protect pupil privacy and achieve public educational goals, the board policy should:

--define pupil records;
--specify the purposes which justify collection of data about students;
--designate the persons who are authorized to collect the data;
--determine the custodians of the records and instruct them specifically concerning (a) how long each kind of record shall be stored, (b) the security precautions to be observed, (c) the time and method of editing and destroying out-dated material, and (d) the procedures for permitting others access to the records;
--determine who has a right of access to pupil records and under what circumstances;
--prohibit unauthorized collection, maintenance, or use of pupil records;
--delineate appeal procedures for aggrieved parties;
--indicate potential penalties for violations of proper procedures.

What are student records?

For purposes of this discussion, a "student record" means anything concerning a pupil which is maintained in writing, on film, or on tape for others to read, see, or hear.

The fact of communication distinguishes "student records" from "private notes" or "working papers." Not until the latter are communicated in writing, on tapes, or on film need they become "student records" subject to board policy and administrative regulation. Significantly, such a distinction could be used to protect the work product of a professional from disclosure as long as the data collected is used solely by the collector.

A student record is a public record in common law because such information is collected and stored by a public agency, but both common law and statute may limit or require disclosure depending on the circumstances.

What purposes justify collection of data about students?

State law and state administrative regulations require collection of a variety of personal data about students and either implicitly or explicitly require their recording. For example, a school census of family members, personal health records, determination of racial heritage, and

school attendance may be data which is collected and maintained pursuant to law. The legislature or state board of education has deemed such collection justified.

Teachers, guidance personnel, and administrators are charged with the responsibility of educating our youth. Professional response requires knowing and understanding the individual to be educated. Thus, school personnel need to collect and use personal data about pupils. Whether such collection and use is justified depends upon its relevance and reliability. Recording of teacher comments such as, "Johnny is paranoid!" may be relevant but totally unreliable because of the observer's lack of competence in that field.

The purposes of educational research may also justify invading pupil privacy, but the goals and methods should be carefully scrutinized by competent professionals before data collection is authorized.

The Russell Sage Foundation Guidelines for the Collection, Maintenance, and Dissemination of Pupil Records recommends that no information be collected about students without the informed consent of parents and, in some cases, the child. The Guidelines differentiate individual consent and representative consent (i.e., through the school board) and indicate when which kind of consent is appropriate.

A related problem concerning school personnel is how to handle psychiatric or other sensitive reports sent to the school which are marked "CONFIDENTIAL" or "PRIVILEGED INFORMATION." "Privileged" communications are those passing between persons who stand in a confidential or fiduciary relation to each other such as psychiatrist and patient, attorney and client, or husband and wife. Common law or statute may prohibit divulgence of the information without consent of the patient or client. Such information should be returned to the sender. A brief description of the kind of report received and from whom could be noted in the pupil's record.

Who should be allowed to collect personal data?

School board policy should assure that all information justifiable sought is collected by persons who are competent to do the job. The instruments used for collection should also be examined for reliability. For example, are personality profile tests reliable? Does the purpose of their use outweigh imperfections in the instrument? If the purpose is so important, dare we use imperfect instruments? Can the risk of serious harm to some be tolerated when balanced against potential benefits to others? Who takes the risk? Is free consent possible under all the circumstances? These are some of the issues to be considered in each case.

Who keeps the records? Where? How long?

By their nature student records may be scattered. The purpose of policy in this area is to designate the persons responsible for their care and security, for editing them periodically, and destroying that which has

outlived its purpose. The central office record should indicate where other portions of the record are kept and by whom.

School boards across the nation should, as soon as their policies are updated, appropriate funds for a thorough house-cleaning of student records grown fat--and dangerously damaging--with irrelevant and unreliable material. Such a campaign would be most prudent before pupils and parents become generally aware of their rights concerning student records.

Who has a right to see student records?

Parents and pupils. Traditionally, parents and pupils are rarely permitted to see "sensitive" information such as teacher comments, IQ scores, personality profiles, etc. Case law, however, recognizes such a right.[2]

In February, 1972, the New York State Education Commissioner, Ewald B. Nyquist, ruled in favor of a parent seeking access to her child's record. He concluded that no one "has a greater right to such information than the parent." It is ironic to note that the Commissioner had to reiterate this principle to school authorities a full decade after the New York courts ruled in favor of parental access to their children's records.[3]

The New York decisions were based on common law and common sense. Due process of law requires, among other things, an opportunity to be heard and to defend one's self in an orderly proceeding and the right of appeal from, or review of, a decision which is regarded as unjust by the aggrieved party. At a minimum, parents and pupils should have a right to inspect all records related to any matter in controversy so that a proper defense can be presented.

A student who has reached the age of majority has a right to see his records and possibly to deny access to his parents. Recognizing a parent's right to see his child's school record and that a student who has reached adulthood enjoys the same right is one of the most effective ways to prevent careless record keeping or unwarranted invasion of privacy. Parents and students should have an opportunity to challenge or correct material in the record and to introduce conflicting opinions of competent professionals. Parents and pupils may delegate their right of access to other persons or agencies.

School Personnel. The right of school personnel to inspect a pupil's record should be directly related to their responsibility to promote the educational welfare of the student or to plan programs and operate the school. The more sensitive and personal the information, the smaller should be the circle of personnel permitted to share it in order to reduce the likelihood of negligent or malicious public disclosure. Careless communication can be costly in terms of mental distress for the student--and penalties for the school system. In fact, as others have suggested, student records could well be the next legal battlefield in education.

Other Schools, Agencies, etc. Employers have found schools willing to

divulge grades, IQ scores, and personality ratings over the phone even without verifying the identity of the caller. The F.B.I., community clubs offering scholarships, and colleges seeking applicants find pupil records relatively accessible. Should they?

Statutes and state regulations may dictate a right of access for some or all of the above parties, but it is more likely that a wide range of policy is open to school board discretion. Making student records easily accessible may inhibit honest exchange of information between students and school personnel. One critic of easy access reasons:

> To argue that the school is obligated to provide the agencies of legitimate government with personal information about its students because it is itself a public agency, seems to me vicious nonsense. The school has indeed an obligation to society: to provide all the resources it can in support of the necessary intellectual and moral growth of future citizens. The record of the American school in this respect has been most seriously marred by the frequency with which it has willingly set its responsibility aside in order to perform a minor chore for the community or for influential private groups, from the maintenance of athletic spectacles to blood drives. But it might at least have drawn the line at serving as a police spy. E.A. Friendenberg, The Vanishing Adolescent, Boston: Beacon Press, 1959, p. 61.

A parent acting for a minor or a student who is of age may give consent for sharing of personal information, but if such consent is to be meaningful, school authorities are obligated to be certain that such a person knows what information is in the record he consents to release.

School personnel and the courts rely upon implied consent, but would it not be fairer and less risky to prepare standard forms for notifying the parent and pupil of each request for personal information, noting the information desired, reminding the parent and child of their right to inspect the record, and asking their written permission for release of the material? Barring statutes or regulations which mandate release to third parties, each school board can answer this question any number of ways.

What about prohibitions, appeals, and penalties?

Because human beings are natural collectors, gossips, and transgressors of each other's rights, school boards should not leave prohibited actions to implication. Positive policies specifying authorized collectors, custodians, justified data, and persons having access to pupil records imply that all else is prohibited. But take no chance on being misunderstood. Prohibit all unauthorized collection, recording, and communication of personal data about pupils to emphasize the school's obligation to protect individual privacy.

Board policy should provide appeal procedures for persons not happy with

the student record policies or their implementation. The board can determine who shall make the final decision in each kind of appeal so that it does not have to rule on a host of matters out of its competency. Whether due process has been afforded could, of course, be appealed to the board and the courts.

The policy should give clear warning to all concerned that violation of the policies on student records may subject the violator to specified penalties. School personnel should also be forewarned and educated to the risks of suit for criminal or civil libel, negligent tort, or violation of civil liberties. An understanding of the rights and values the law is designed to protect will help school personnel perform their functions with confidence.

* * * * *

Act now. Devote time, thought, personnel, and resources to developing a policy on student records which fits the needs of your school district in accordance with applicable law. The pupils' personal privacy and the public interest in educational progress can be properly balanced with a good policy on pupil records.

--Attorney Laura M. Pope, Executive Director
Connecticut Association of Boards of Education

NOTES

1. Wade, Developing Trends in the Tort Action for Invasion of the Right of Privacy, 16 Va. L. Weekly Dicta. Comp. 7 (1966).

2. The right of inspection of public records exists at common law, but such right is subject to a number of limitations, and, although there is some authority to the contrary, it has been held that the right is limited to persons having a special interest and that there is no right of inspection when inspection is sought merely to satisfy curiosity or to further any improper or useless end or purpose. 76 C.J.S. Records Sec. 35 (a).

3. Petitioner's rights, if any, stem...from his relationship with the school authorities as a parent who under compulsory education has delegated to them the educational authority over his child. Thus, the common law rule to the effect that when not detrimental to the public interest, the right to inspect records of a public nature exists as to persons who have sufficient interest in the subject matter, is a guide....We are, therefore, constrained to hold as a matter of law that the parent is entitled to inspect the record. *Van Allen v. McCleary*, 211 N.Y.S. 2d. 501 (1961). The New York Supreme Court upheld the same rationale in *Johnson v. Board of Education of the City of New York*, 220 N.Y.S. 2d. 362 (1961).

STUDENT RECORDS

An accurate cumulative record shall be maintained for every child enrolled in the public schools.

No one but authorized school personnel, parents, and legal guardians shall have access to the cumulative record without a subpoena or the written permission of the student and his parents.

Written parental objection to the accuracy or authenticity of data recorded in the cumulative record shall become part of the record upon request of the parents.

School officials will forward transcripts from the cumulative record upon request of parents, legal guardians, students, ex-students, and bona fide educational institutions.

SOURCE: Fairfax County Public Schools, Fairfax, Va.
DATE: 6/23/70

School Board Policy Samples (buff sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.

STUDENT RECORDS

The standard approved cumulative record shall be initiated upon a child's entry for the first time into the Fairfax County Public School System and shall follow the student throughout his educational career in the County. The record shall remain with the last Fairfax County school of attendance.

Items of entry in or on this cumulative record

Elementary School (shall initiate):

1. Registration form for new students, information to be recorded on folder and form placed in the folder.
2. Cumulative Health - Physical Fitness Record.
3. Records of referrals, to be entered on the cumulative record.
4. Test scores (K-7), to be recorded on the proper standardized test score card.
5. Properly processed evaluative reports from special services.
6. Copies of all pertinent correspondence and/or legal documents related to the educational development of the student.
7. Record of grades.

*8. Current pictures, where available.
*9. Records of parent-teacher conferences.
*10. Pupil report cards.

Intermediate School (shall initiate):

1. Test scores (8-12), to be recorded on the proper standardized test score card.
2. Completed Scholastic Record (grade 8).
3. Activities Record.
4. Student Planning Card (grade 8).

*5. Current pictures, where available.

High School (shall initiate):

1. All grades, recorded on Scholastic Record
2. A consolidation of the secondary school record--Student Description Summary form.
3. Any necessary forms not previously initiated.

*4. Current pictures, where available.

* Optional inclusions

Guidelines.

1. Only the information listed in this regulation is to be considered a part of the student's official record.

Administrative Rules Samples (yellow sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.

2. All psychological reports are to remain in a central office file of the student's school for the use of school personnel only and are to be interpreted to parents only by a member of the psychological staff. The fact that a psychological evaluation has been made is to be recorded on the cumulative folder.

3. Parents desiring to discuss their child's educational development may do so by arranging a conference with an appropriate member of the school staff.

4. All requests for information by prospective employers shall be released on the Fairfax County form established for that purpose, unless the employer submits his own form.

5. If, when requesting information about a student, an employer submits his own form, he must include a request from the student for the release of the information requested.

6. A student, while in school or upon graduation, may sign a statement giving the school permission to release requested information to prospective employers and to educational institutions.

7. The Student Description Summary Form shall not be released to colleges after one year following a student's graduation.

8. Verbal communication is permitted between school officials and investigating officers for the purpose of national security clearance.

9. The key is: accountability--all information included must be necessary for the educational development of the student.

SOURCE: Fairfax County Public Schools, Fairfax, Va.
DATE: 12/17/70

STUDENT RECORDS
(Release of Information)

To: _____
(Name of School)

From: _____
(Name of Student)

I hereby authorize the above school to forward any information from my official record which may be requested by an institution of higher learning or a prospective employer.

This request is to remain in force until rescinded by my parents or legal guardian, or by me.

Signed: _____

Date: _____

SOURCE: Fairfax County Public Schools, Fairfax, Va.
DATE: 12/17/70

Information Exhibit Samples (green sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.

STUDENT RECORDS
(Report to Prospective Employers)

Students Name _____ Birth Date _____

School _____ School Address _____

Students' Address _____

Date Entered this School _____

Date of Graduation _____ or, Date of Withdrawal _____

Last Grade Completed _____

Signed _____ Position _____

Date _____

Transcript of grades and attendance record will be submitted at the request of the student.

SOURCE: Fairfax County Public Schools, Fairfax, Va.
DATE: 12/17/70

Information Exhibit Samples (green sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.

STUDENT RECORDS

Authorized school personnel may permit parents and/or guardians to examine cumulative record information not written in confidence by school personnel. Each student has the right to a private interpretation of his cumulative record by a certified staff person from the student's school or the Central Office. The certified staff person may be chosen by the student.

Inspection of the records of students by nonschool personnel shall not be allowed except upon written permission from the Superintendent. All school employees should carefully guard the records of the school to the end that nonauthorized individuals will not have access to the records of students.

Under certain circumstances authorized school personnel may respond to requests for pupil information. In this regard, school personnel shall carefully protect the rights of students at all times.

SOURCE: Special School District #1, Minneapolis, Minn.
DATE: 2/29/72 (revised)

School Board Policy Samples (buff sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.

STUDENT RECORDS

Student records are interpreted to include grades, attendance records, group test scores, health reports, teachers' comments regarding the child, and psychological evaluations.

The records of the school concerning an individual student shall be used for the promotion of the student's welfare. Student records shall be made available to an outside person or agency only under the following conditions:

1. A "Release of Information" request is received by school officials duly signed by a parent of the student, or legal guardian, or by a student of legal age.

2. A "Request for Information" is received by school officials in the form of a specific request from the court or a court order. Only information requested should be provided.

3. A "Request for Transcript" is received by school officials from a receiving school. Only information such as grades, attendance records, and group test scores should be included. Psychological reports and health reports cannot be released without having been specified in the signed "Release of Information" request as per #1 above.

4. In instances where requests for information might come from an outside agency such as the VA, working for the welfare of a student, the agency will file a release from the student or parent or guardian. In lieu of such a release, a form signed by a judge (not necessarily in the form of a subpoena) would suffice.

Student records should be verbally interpreted to students and parents as deemed necessary by school personnel or upon request of the student or parent. However actual IQ scores and written psychological reports and notes should not ordinarily be revealed to students or parents in any situation.

SOURCE: Garden City Public Schools, Garden City, Kans.
DATE: 1/3/72

School Board Policy Samples (buff sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.

STUDENT RECORDS

Background.

A sizeable file of records is accumulated for each student during his school years. Some are required by law; others are maintained for the invaluable assistance they provide the professional staff in dealing with students as individuals. The Public School Code requires both the keeping of an attendance record (Sec. 1332) and the maintenance of comprehensive health records (Sec. 1402B) which shall "include the results of tests, measurements, and regularly scheduled examination and special examinations." Other records kept for the benefit of students fall into three categories: (1) scholastic; (2) psychological and behavioral; and (3) anecdotal (including disciplinary) information. While these accumulated records are primarily for school use, there are situations when the release of specific records under controlled circumstances serves to benefit both the student and his family.

Objective.

The objective of this policy is to assure that the welfare of each individual student is the only criterion used in releasing information from student personnel files.

Policy.

It is the policy of the Board that:

1. All student personnel records are to be treated as confidential and primarily for local school use.

2. Broad, comparative results of standardized tests may be reported in general terms to parents or guardians of students. More detailed information may be released to parents or guardians of individual students at the discretion of the principal of the school attended by such students.

3. When students either transfer from the Mt. Lebanon School District or advance to institutions of higher learning, the records listed below will be forwarded to the public or private educational institution accepting such students when the request is approved by parents or guardians.

   a. Scholastic and psychological standardized test records;
   b. Academic records;
   c. Medical and dental records to educational institutions within the state of Pennsylvania;

School Board Policy Samples (buff sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.

d. Attendance records to educational institutions within the state of Pennsylvania;
e. Other specific information by the principal if, in his discretion, such information is deemed particularly pertinent or important.

4. Records, not including identification, may be released by the Superintendent for use in statistical studies.

5. Records may be released for other specific cases with permission of parents or guardians of students when approved by the Superintendent.

6. Information from records of individual students will be released to the Juvenile Court when the Court so requests.

7. No teacher may release information from any student's record to anyone outside the school staff without first obtaining permission of the principal of the school.

Administration Responsibility.

It is the responsibility of the Administration to release information from student record files as provided by the policy.

Communication.

This policy shall be communicated to (1) all School District professional personnel and (2) students and parents or guardians of students when applicable.

SOURCE: Mt. Lebanon Public Schools, Pittsburgh, Pa.
DATE: 2/22/65

STUDENT RECORDS

1. The educational interests of the pupil can best be served only by full cooperation between the school and the parents, based on a complete understanding of all available information by the parent as well as the school. At the time of inspection of a student's records by the parent, appropriate personnel must be present to prevent any misinterpretation by the parent of the meaning of the record.

2. Only carefully worded professional opinion rendered in line of duty should be written by a physician, psychiatrist, psychologist, guidance counselor, principal, or teacher. All such opinions should be reasonably related to the educative process and accurately reflect true facts.

3. Original pupil records of any kind may not be transferred from the jurisdiction of the school district which first prepared them. When a child transfers to another school, information in the form of a transcript or photographic copies must be sent to the receiving school. The information that is forwarded to a new school should include copies of all documents contained in the file of the student.

4. Transfer of pupil information must <u>not</u> be made without the consent, expressed or implied, of the pupil's parents. Parental consent may reasonably be implied where the student transfers to another school; where he has applied for admission to another school; where he has applied for admission to an institution of higher learning; or where he has made application for employment.

5. The records of the school concerning an individual student shall be used for the promotion of the welfare of the student and shall not be made available to any outside person or agency unless it is reasonably clear that such person or agency will use the records to the advantage of the child or his family or in the interest of justice. No teacher shall give information from a child's record to anyone outside the school staff, except the child's parents. Other school officials may give information from the records only to the child, his parents, the authorized representatives of the child and his parents, police officers, or other public officials, prospective employers, representatives of recognized social agencies, or other persons approved by the child's parents in accordance with the law.

SOURCE: East Syracuse-Minoa Central School District, East Syracuse, N.Y. (abridged)
DATE: 3/24/70

LEGAL REFS.: Education Law, Sec. 2116 and Sec. 7611
Civil Practice Act, Sec. 352

School Board Policy Samples (buff sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or

STUDENT RECORDS
(The North Carolina Model)

Section 1. Classification and Maintenance

Information about students that is collected and stored by school personnel shall be separated into one of the following three classifications:

A. Administrative records. This classification includes official administrative records that constitute the minimum personal data necessary for operating the education system. It includes birth date, sex, race, names and addresses of parents, academic work completed, grades, standardized achievement scores, and attendance records.

B. Supplementary records. This classification includes verified information of clear importance in operating the educational system but not absolutely necessary. It includes scores on standardized intelligence and aptitude tests, health data, family background and information, systematically gathered teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patterns.

C. Tentative records. This classification includes potentially useful information that is not yet verified or not clearly needed beyond the immediate present. It includes clinical findings and unevaluated reports of teachers or counselors that may be needed in ongoing counseling or disciplinary actions.

Administrative records shall be permanent and maintained by the school for an indefinite period. Supplementary records shall be destroyed when the student graduates or leaves school permanently. Tentative records

School Board Policy Samples (buff sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.

shall all be destroyed when the use for which they were collected is ended. However, tentative records may be placed in the supplementary classification if the continuing usefulness of the information is demonstrated and its validity verified.

Comment: Student data collected and stored by school officials ranges from stable information to tentative, uncorroborated reports on alleged student behavior. These different types of information require different treatment in their maintenance and access. The three classifications are based on the nature of the information, its usefulness to the educational system, and its accuracy.

Section 2. Dissemination of Student Records

The school may, without the consent of either the student or his parents, release student records contained in the administrative or supplementary classifications to school officials who have a proper educational purpose in examining the information.

No other person may have access to a student's records except under the following circumstances:

A. When proper written consent to the release of such records has been obtained.

(1) the consent must be given by the student's parents or guardian except when a student reaches the age of 18 years or is married (and in both cases is no longer attending high school), his consent and not that of his parents must be obtained to release the information. A student who meets these requirements must consent to parental access to his records. (2) The written consent must specify the records to be released and to whom they are to be released. Each request for consent must be handled separately; blanket permission for the release of information shall not be accepted.

B. Under compulsion of law.

C. When data for outside research purposes is released in such a form that no individual student is identifiable.

Tentative records may not be released to any person other than the person who collected the information and may be released to that person only for the use for which it was collected.

Comment: This section severely limits who has access to student records and sets up two access groups--school officials and all other persons.

There has been much confusion in North Carolina as to whether student records fall within the North Carolina public records statute, G.S. 132-1, and are therefore open to inspection by any person. No North Carolina judicial decisions have interpreted the statutory definition of a public record, but many Attorney General's opinions have been issued that have given a broad, liberal interpretation to the statute. A 1967 Attorney General's opinion held that a student's grades are public records and may be disseminated without the consent of the student or his parents. Under North Carolina policy, practically all records kept by public officials are public records and inspection is cut off only by a specific statute requiring a certain type of record to be kept confidential.

However, there is a conflict between this broad reading of what constitutes a public record open for general inspection and a newly blossoming constitutional principle of a general right to privacy. Since the U.S. Supreme Court decision in Griswold v. Connecticut, 381 U.S. 479 (1965), there has been much litigation and legal discussion about an individual's right to privacy. [See A. MILLER, THE ASSAULT ON PRIVACY: COMPUTERS, DATA BANKS, AND DOSSIERS (1971); RUSSELL SAGE FOUNDATION, GUIDELINES FOR THE COLLECTION, MAINTENANCE AND DISSEMINATION OF PUPIL RECORDS (1970).] The legal analysis emerging is that the student has a right to privacy that must be balanced with the need for the school officials to collect certain personal information in order to carry out the school's educational function. School officials who have a proper need to know personal information can collect and use that information even if doing so results in a violation of the student's right to privacy. On balance, the school's need to know certain information is more important than the student's right to privacy. However, other persons, such as prospective employers or credit lenders, cannot exhibit a proper educational purpose for using such information that would allow an invasion of privacy. Therefore, nonschool persons may not have access without consent by the student or his parents.

The exception for release under compulsion of law allows the school to release information as required under child-abuse laws or when ordered by the court. [See G.S. 110-115 to -122.]

Students who have reached the age of majority or who are married are presumed capable of making an informed consent. For other students, their parents must consent for them even though under some circumstances the interests of the student and his parents may not be identical. The bracketed section must be included if the school board decides to follow the second option in the section regarding student access to his own records. [See the comment following Section 3 for a discussion of the two options.] If the second option is followed, parental consent is required for release of any records of an 18 year old or married student who is still in school.

Section 3. Student and Parent Access to Records

A student and his parents or guardian may have access to the administrative records, except that the parents' or guardian's access is subject to the student's consent when required under Section 2.

Parents or guardians may examine supplementary records, subject to the student's consent when required under Section 2.

OPTION 1. A student who has reached the age of 18 or is married may examine his supplementary records. Any other student may examine his supplementary records with the consent of his parents.

OPTION 2. A student who has reached the age of 18 or is married, and in both cases is no longer in high school, may examine his supplementary records.

A school official competent in interpreting student records should be present to explain the meaning and implications of the supplementary records that are examined.

The student and his parents shall have the right to make written objections to any information contained in the records. Any written objection must be signed by the student or parent, and it shall become part of the student's supplementary record.

Comment: Another pertinent aspect of the school's data collection/

student's privacy conflict is the accuracy of the data itself. A school has no proper educational interest in using inaccurate data, and therefore the school's interest in the data will vary in proportion to the reliability of the data. To help assure that the information is accurate, the student and his parents should have access to the records and have a means for pointing out inaccuracies.

Option 2 is provided as an alternative regulation to prevent access to supplementary files by students who are still in the school. If the school board decides that on balance the conflict that would arise between a student who examines his records and those teachers or counselors who evaluated him is of greater harm than would be the benefit in allowing students still in school to see their records, option 2 should be followed.

The provision that a school official qualified to interpret student records be present allows explanation and interpretation of raw material to avoid misinterpretations or false impressions.

Section 4. Procedure

The principal shall be the records manager for his school and shall have the over-all responsibility for maintaining and preserving the confidentiality of student records. He may, however, designate another school official to perform the duties of the records manager for him.

The records manager is responsible for classifying records and maintaining them so that each record can clearly be identified by classification. He is responsible for reviewing the files and deleting supplementary and tentative records when necessary. He is also responsible for granting or denying access to records on the basis of these regulations.

Comment: The section puts the responsibility for maintaining the records and implementing these regulations on the principal or his designee.

SOURCE: "Proposed School Board Regulation on Student Records," Institute of Government, University of North Carolina at Chapel Hill
DATE: 5/72

STUDENT RECORDS
(Five Sample Forms)

1. *Routine information letter to be sent home at the beginning of each school year or at time student enrolls during year.*

Dear Parent,

In accordance with the recommendations of the Superintendent of Schools and the Director of Measurement and Evaluation, the Board of Education has approved a city-wide testing program designed to provide information concerning the proficiency of all children in the district on standardized tests of academic achievement and aptitude. The results of these tests provide a continuing record of each child's academic progress in comparision with national norms. They are also an invaluable aid to your child's teacher in order to provide more effective individualized instruction. During the coming year the following tests will be administered to your child as part of this program:

	Name of Test	Purpose
Example	Iowa Tests of Educational Development, Grade 10	Measurement of achievement in mathematics, English, basic science
Example	Terman-McNemar Test of Mental Ability	Measurement of verbal and mathematical aptitude

Your child's scores on these tests will be checked carefully and maintained in the school record as long as your child attends school in this system. Should your child transfer to another school system, you will be notified of the transfer of his or her permanent record to the new school system. No individual or agency outside of the school system will be permitted to inspect your child's school record without your written permission.

Should you wish to examine your child's record file at any time you may arrange to do so by making an appointment with the principal's office. (In addition, a routine report and interpretation of your child's scores on the above-mentioned tests will be included as part of the second term grade report.)

Sincerely,

_____
Superintendent of Schools

Information Exhibit Samples (green sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.

2. *Special request for permission to collect personal information.*

In order to provide your child with more effective guidance and counseling services, your permission is requested for the collection of the following kinds of personal information from your child.

Type of Information or Test	Description and Purpose	Permission Granted	Permission Denied
Minnesota Multiphasic Personality Inventory		___	___
Kuder Preference Record	Example	___	___
Wrenn Study Inventory		___	___
Family Background Information		___	___

Because of the sensitive nature of this information, all test scores and related information will be treated with complete confidentiality. Only parents and authorized school personnel will be permitted access to this information without parental consent.

Please check the appropriate line signifying your approval or disapproval of this request, sign the form in the space provided below, and return in the enclosed envelope.

_____ Parent's signature

_____ Date

3. *Notification of transfer of permanent student record to another school system.*

Dear Parent,

You are hereby notified of the pending transfer of (name of pupil)'s permanent school record to (name of school district) in (location).

Should you wish to receive a copy of the record to be transferred please return the bottom portion of this form with your signature by (date).

Sincerely,

_____
Principal

I wish to receive a copy of the school record of _____
(please print name of pupil)

who is my (son) (daughter) (legal ward).

_____ _____
Parent's signature Date

Address to which transcript should be sent:

_____

_____

4. *Record of inspection of student records.*

Date _____

Records Examined: _____
(Name of pupil or pupils)

Records Examined By: _____

Purpose: _____

5. *Request for permission to release permanent school record to third party.*

Dear Parent,

We have received a request from _____
(name of requesting individual, agency, etc.)

for a copy of (access to) (name of pupil)'s school record.

Please indicate in the space below whether you are willing for us to comply with this request.

(Name of requesting party) may have a copy of (access to) the following parts of (name of pupil)'s record:

___ Official Administrative Record (name, address, birthdate, grade level completed, grades, class standing, attendance record);
___ Standardized Achievement Test Scores;
___ Intelligence and Aptitude Test Scores;
___ Personality and Interest Test Scores;
___ Teacher and Counselor Observations and Ratings;
___ Record of Extracurricular Activities;
___ Family Background Data

_____ _____
(Parent's signature) (Date)

SOURCE: Guidelines for the Collection, Maintenance, & Dissemination of Pupil Records. Russell Sage Foundation, 230 Park Avenue, New York City 10017
DATE: 1969

STUDENT RECORDS
(Pupil Personnel Services Guidelines)

1. Confidential Records

The following school records are not public records: (a) Permanent Record; (b) Psychological/Psychiatric Reports; (c) Social Work Case Records; (d) Health Record; and (e) Planning and Placement Team Record.

2. Availability

a. Parent. These records are available to the parent (or client if now an adult) or upon written authorization by the parent to other agencies, attorneys, et al.
b. Staff Members. Staff members have access as follows:

--Permanent Record available to principal, teacher, pupil service staff
--Psychological/Psychiatric Reports available to principal, psychologist*, pupil service staff
--Social Work Record available to principal, social worker*, pupil service staff
--Health Record available to principal, school nurse*, pupil service staff
--Planning and Placement Team Record available to principal, pupil service staff, supervisor of special education*

* Indicates custodian of record

c. Court. The courts may obtain records by subpoena. Usually a subpoena is not needed since the parent signs a release, particularly in Juvenile Court cases.
d. Agencies. Governmental agencies (e.g. CIA and FBI) do not have access to the record nor to information derived from the record without written authorization by the client.
e. Employers. Prospective employers may obtain information only after a request has been received from the client.

3. Consultant Reports

Reports received from psychiatric and psychological consultants are available to parents if they are part of the case record. The fact that they are stamped confidential does not shield them from scrutiny by the parent or his authorized agent.

4. Return of Reports

Reports which contain sensitive data the disclosure of which would be damaging to the client or the professional's relationship to the client, shall be returned to the sender and no file copy retained.

Administrative Rules Samples (yellow sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.

5. Working Notes

Working notes of guidance conferences, informal data collection, etc. should not be filed in the case record but must be destroyed periodically.

6. Permanent Record

Information in the permanent record has been obtained from the parent or has been communicated to the parent. Consequently the parent is in a position to reasonably grant permission to release information upon written authorization.

Upon registration the parent authorizes receipt of information from schools previously attended.

Upon transfer to another school in Norwalk, material which is not of continual usefulness is removed.

Upon transfer to a school outside of Norwalk the "Release of Information" form is signed by the parent. This form is also used to facilitate transcript requests. The permanent record is microfilmed.

7. Psychological and Social Work Record

Psychological and social work services are optional. The parent may reject service. Therefore, there must be written permission received prior to psychological or psychiatric evaluation. A form is also used to receive or forward reports to or from consultants, psychologists, or agencies. (Exception: Cases of suspected child abuse or neglect). These records are retained on file. No definite decision on removal has been made.

8. Planning and Placement Team Record

This record is compiled from permanent record, test record, psychological, and social work records. It is therefore not a permanent record and after the potential client has graduated or no longer needs service, this record is destroyed. The file is available to the parent or the State Department of Education in the event of appeal under Section 10-76 of the General Statutes.

SOURCE: Norwalk Public Schools, Norwalk, Conn.
DATE: 1/70

LEGAL REF.: Chapter 3, Sections 1-19 (Right to Know Law) and Corporation Counsel's opinion, 12/22/69

STUDENT RECORDS
(Lists of Names)

Neither the Board nor any of its employees or agents shall release or distribute students' names and addresses under any circumstances.

SOURCE: Greenwich Public Schools, Greenwich, Conn.
DATE: 1970

* * * * *

Lists of students or teachers are not to be made available to any individual, agency, or establishment for commercial purposes or any other purposes contrary to the best interests of the schools.

Lists are made available to incumbent Senators and Representatives with a clear understanding that the lists are to used only to send out congratulations and not to be used for any other purpose.

It is permissible also to furnish Armed Forces recruiters with lists of seniors after these lists have been made public in the Dodge City Daily Globe in the announcement of graduating exercises. It is permissible for recruiters to come to talk to those boys or girls who have indicated an interest in joining the Armed Forces.

SOURCE: Unified School District #443, Dodge City, Kans.

* * * * *

Lists of names and addresses of graduating seniors may be given to: (1) business and trade schools; (2) professional schools; and (3) colleges.

SOURCE: Rialto Unified School District, Rialto, Calif.
DATE: 1970

28

School Board Policy Samples (buff sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.

STUDENT RECORDS
(Preservation and Disposition)

The President and Clerk-treasurer of the Board of Education and the Superintendent, acting as a commission created by statute, are responsible for the preservation and disposition of the school district's records. The School District Records Commission shall have authority to order the destruction, retention, or other disposition, at any time, of any records, document, plat, paper, or instrument in writing.

SOURCE: Cincinnati Public Schools, Cincinnati, Ohio
DATE: 6/64

LEGAL REF.: Ohio Revised Code, Sections 9.01 and 149.31

School Board Policy Samples (buff sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.